

Notice of Allowability

Application No.

09/729,448

Examiner

Trenton J. Roche

Applicant(s)

PORKKA, JOSEPH A.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 2 November 2005.
2. ☒ The allowed claim(s) is/are 1, 3, 4, 8, 9, 11-15, 19, 20 and 25 (renumbered as 1-13).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

1. This Office Action is responsive to communications filed 2 November 2005.
2. Per Applicant's request, amended claims 1, 3, 4, 8, 9, 11, 12, 15, 19, 20, 22, 24 and 25 have been entered. Claims 2, 5-7, 10, 16-18, 21-23 and 26-35 have been canceled. Claims 1, 3, 4, 8, 9, 11-15, 19, 20, 24 and 25 are currently pending.
3. Claims 1, 3, 4, 8, 9, 11-15, 19, 20, 24 and 25 have been examined.

Response to Arguments

4. Applicant's arguments, see pages 7-9 of the Remarks, filed 2 November 2005, with respect to claims 1-4, 7-23 and 25 have been fully considered and are persuasive. The rejection of claims 1-4, 7-13, 15-23 and 25 under 35 U.S.C. § 102(e) and the rejection of claim 14 under 35 U.S.C. § 103(a) has been withdrawn.

EXAMINER'S AMENDMENT

5. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Cheryl L. Young, Reg. No. 43,298 on 11 January 2006.

The application has been amended as follows:

Claim 24 has been canceled.

The Examiner's amendment was required to more clearly define the invention and to obviate any possible rejections under 35 U.S.C. §§ 102 and 103.

Allowable Subject Matter & Examiner's Statement of Reason(s) for Allowance

6. Claims 1, 3, 4, 8, 9, 11-15, 19, 20 and 25 (renumbered as 1-13) are allowed.
7. The following is an Examiner's statement of reasons for allowance:

The closest found prior art of record, specifically, U.S. Patent 6,457,170 to Boehm et al. (hereinafter "Boehm"), taken alone or in combination, fails to teach or reasonably suggest a method and system for building a software system in accordance with independent claim 1. Specifically, Boehm fails to teach "*a plurality of build machines to build the software system by generating build files, each of the build files stored locally on the build machine that generates the build file, at least two of the plurality of build machines executing on separate computers; a first component for building a list of file names of one or more build files to be shared by at least some of the plurality of build machines employed in building the software system; and a second component for distributing to the at least some of the plurality of build machines the one or more build files identified in the list of file names, wherein, upon receiving the one or more build files identified in the list of file names, the at least some of the plurality of build machines store the one or more build files identified in the list of file names locally...*" (claim 1). Similar limitations are recited in independent claims 15, 19, 20 and 25.

Instead, Boehm discloses a system for building a software system in a networked software development environment, wherein source and object files are stored in network caches shared by

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multiple local workstations. As noted on page 8 and 9 of the Remarks, Boehm discloses accessing the files stored in the network cache by using links to the cached copies of the files, and thus, does not disclose generating build files, storing each of the build files locally on the build machine that generated the build file, at least two of the plurality of build machines executing on separate computers, and distributing the build files according to a list of file names to the plurality of build machine to be stored locally.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

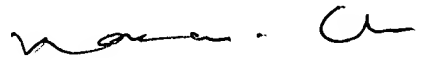
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trenton J Roche
Examiner
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TJR


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